

City of Yucaipa  
City Council Minutes  
Regular Meeting of January 26, 2009

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A Regular meeting of the City Council of the City of Yucaipa, California was called to order in the Council Chambers, 34272 Yucaipa Boulevard, Yucaipa, California, on January 26, 2009 at 6:00 PM.

**PRESENT:** Dick Riddell, Mayor  
Allan Drusys, D.V.M., Mayor Pro Tem (arrived at 6:08 PM)  
Denise Hoyt, Councilmember  
Tom Masner, Councilmember  
Diane Smith, Councilmember  
Ray Casey, City Manager  
Jennifer Shankland, Director of General Services/City Clerk  
Michael Estrada, Interim City Attorney

**ABSENT:** None

**CONVENE CITY COUNCIL**

The meeting was opened with the Pledge of Allegiance led by Captain Gray.

City Manager Casey requested that the order of the Agenda items be modified to hear Study Session Item No. 12 prior to the Public Hearing Item No. 11. Council concurred.

**CONSENT AGENDA**

Mayor Riddell asked if there were any Consent Agenda items to be removed for discussion. No items were removed for discussion.

1. **SUBJECT:** APPROVE COUNCIL MINUTES OF JANUARY 12, 2009.

**RECOMMENDATION:** That City Council approve City Council Minutes of January 12, 2009.

2. **SUBJECT:** APPROVAL OF FINAL PARCEL MAP NO. 18519.

**RECOMMENDATION:** That City Council approve Final Parcel Map No. 18519, and authorize recording of the map from Michelle Jackson.

3. **SUBJECT:** APPROVE FINAL PARCEL MAP NO. 18655.

**RECOMMENDATION:** That City Council approve Final Parcel Map No. 18655, and authorize recording of the map from Edward and Helen Fiddler.

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4. **SUBJECT:** ACCEPTANCE OF CONTRACT WORK – YUCAIPA BLVD. WIDENING & SIDEWALK SOUTH SIDE, FROM 5<sup>TH</sup> TO 12<sup>TH</sup> STREETS, PHASE I, PROJECT NO. 10663.

**RECOMMENDATION:** That City Council:

1. Accept the contract and extension work completed by Hillcrest Contracting in the amount of \$1,036,342.77; and
2. Approve the final payment for the project; and
3. Authorize the recordation of the Notice of Completion.

5. **SUBJECT:** AWARD OF THE CONTRACT – DRAINAGE IMPROVEMENTS AT OAK MESA DRIVE AND WILDWOOD CANYON ROAD – PROJECT NO. 10717.

**RECOMMENDATION:** That City Council:

1. Award and authorize the Mayor to execute a contract, and the City Manager or his designee to administer the terms of the contract to the lowest responsible bidder, D & L Wheeler Enterprises, Inc. of Yucaipa in the amount of \$35,500.00 for the “Drainage Improvements at Oak Mesa Drive and Wildwood Canyon Road – Project No. 10717”; and
2. Authorize a construction contract contingency (10%) and staff time (15%) in the total amount of \$8,875.00; and
3. Approve the Plans and Specifications prepared for this project.

6. **SUBJECT:** CONTRACT FOR THE PASS-THROUGH OF HOUSING AND URBAN DEVELOPMENT ECONOMIC DEVELOPMENT INITIATIVE FUNDS, PROJECT NUMBER B-06-SP-CA-0113, RECEIVED BY THE CITY TO SAN BERNARDINO COUNTY FOR THE DESIGN AND CONSTRUCTION OF THE YUCAIPA REGIONAL PARK SPORTS COMPLEX SPORTS LIGHTING PROJECT.

**RECOMMENDATION:** That City Council approve and authorize the Mayor to execute a contract with San Bernardino County for the pass-through of U.S. Department of Housing and Urban Development Economic Development Initiative Special Projects Grant Funds, Project Number B-06-SP-CA-0113 received by the City to San Bernardino County for the design and construction of the Yucaipa Regional Park Sports Complex Soccer Lighting Project in an amount not to exceed \$346,500.

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7. **SUBJECT:** MUNICIPAL CODE AMENDMENT TO ESTABLISH ENHANCED GRAFFITI ABATEMENT.

**RECOMMENDATION:** That City Council waive further reading and adopt Ordinance No. 286, amending Chapter 8.08, "Graffiti Abatement", of Title 8, "Health and Safety", of the Yucaipa Municipal Code, and rescinding Ordinance No. 90-38.

**ACTION:** MOTION BY COUNCILMEMBER SMITH, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-0-1-0 (MAYOR PRO TEM DRUSYS ABSENT), TO APPROVE CONSENT AGENDA ITEMS NO. 1 THROUGH 7.

**PUBLIC COMMENT**

None.

**MAYOR AND COUNCILMEMBER BUSINESS**

8. **SUBJECT:** REQUEST FOR FUNDS – VISIONQUEST.

**RECOMMENDATION:** That City Council consider the request from VisionQuest for a grant of \$7,100 and direct staff as appropriate.

**DISCUSSION:** City Manager Casey presented the Agenda Report.

David Porras, Yucaipa, speaking on behalf of VisionQuest, stated the purpose of the organization and explained their reasons for the request of renovation funds.

After Council discussion, the following Motion was made:

**ACTION:** MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY COUNCILMEMBER HOYT, CARRIED 4-0-1-0 (COUNCILMEMBER SMITH RECUSED HERSELF DUE TO A POTENTIAL CONFLICT OF INTEREST), TO APPROVE STAFF RECOMMENDATION.

Councilmember Masner gave recognition to a uniformed serviceman in the audience. Sergeant Daniel introduced himself.

Councilmember Hoyt, speaking on behalf of Crafton Hills College, announced that the Crafton Hills College Business Club has extended an invitation to City Council and members of the community to attend a presentation by Stater Brothers Market Chief Executive Officer Jack Brown on February 10<sup>th</sup>.

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Mayor Riddell announced that the San Bernardino County Board of Supervisors would be hearing the appeal of a County Planning Commission approval of a major variance to locate an 80-foot radio tower in the Wildwood Canyon State Park area and encouraged supporters of the appeal to attend the meeting.

Mayor Riddell noted that the Board of Supervisors would be selecting a new Sheriff and announced that a retirement party will be held at the Ontario Doubletree Inn on January 30<sup>th</sup> in honor of outgoing Sheriff Gary Penrod. Mayor Riddell stated that the City would present Mr. Penrod with a certificate of appreciation.

Councilmember Smith acknowledged Ella Zanowic, Calimesa City Councilmember, and Robbie Broedow, representative for Senator Bob Dutton.

**POSSIBLE ACTION ON PENDING LEGISLATION**

Councilmember Masner reported on the State budget process and stated that Proposition 42 and gas tax fund deferrals are part of the budget discussions.

City Manager Casey provided information pertaining to Proposition 42 and gas tax fund deferrals and reported that the City will be exploring the possibility of using the recently adopted State design/build legislation process for some of the proposed City projects.

Mayor Riddell reported that Yucaipa submitted project proposals to Congressman Baca's office to be included as part of the Federal Stimulus Package. Mayor Riddell stated that he (along with other Yucaipa residents) attended a joint breakfast with Assemblymen Bill Emmerson and Paul Cook over the past weekend.

**DEPARTMENT REPORT**

9. **SUBJECT:** ACQUISITION OF GRAFFITI TRACKING AND ANALYSIS SERVICES.

**RECOMMENDATION:** That City Council review the attached materials from Graffiti Reduction & Interception Programs (GRIP) and authorize the City Manager to execute a Professional Services Agreement for one (1) year of graffiti tracking and analysis services from this firm.

**DISCUSSION:** Director of Community Development McMains presented the Agenda Report.

After Council discussion, the following Motion was made:

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**ACTION: MOTION BY COUNCILMEMBER MASNER, SECOND BY COUNCILMEMBER HOYT, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

**PUBLIC HEARINGS**

The order of Business for the Public Hearing Shall Be:

- A. Open Public Hearing
- B. Staff Presentation
- C. Applicant/Representative Presentation (if necessary)
- D. Public Comments
- E. Applicant Rebuttal (if necessary)
- F. Public Hearing Closed
- G. Council Discussion
- H. Council Motion and Vote

**SPEAKERS ARE ENCOURAGED TO BE BRIEF AND REMAIN WITHIN THE ESTABLISHED TIMEFRAME OF THREE (3) MINUTES. ONCE THE PUBLIC HEARING HAS BEEN CLOSED, NO FURTHER TESTIMONY WILL BE TAKEN.**

10. **SUBJECT:** RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY INTERESTS FOR PUBLIC PURPOSES IN CONNECTION WITH THE CITY'S PROPOSED YUCAIPA BOULEVARD WIDENING PROJECT FROM 5<sup>TH</sup> TO 12<sup>TH</sup> STREETS, PHASE II.

**RECOMMENDATION:** That City Council:

- 1. Consider Resolution No. 2009-01, a Resolution of Necessity attached hereto and incorporated herein (including exhibits) by reference, Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof in Connection with the City's Proposed Yucaipa Boulevard Widening Project from 5<sup>th</sup> to 12<sup>th</sup> Streets, Phase II; and
- 2. Conduct a public hearing on the adoption of the proposed Resolution of Necessity; and
- 3. Find, based on the evidence contained and referred to in this Report, the testimony and comments received at this hearing, and all written testimony submitted to the City Council, that the evidence warrants the necessary findings with respect to Resolution No. 2009-01 (which requires a 4/5 vote of the entire Council); and

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4. Authorize the City Attorney's office and City staff to file and prosecute eminent domain proceedings to acquire the real property interest identified in the Resolution of Necessity and to take all necessary steps to deposit with the Court the amount of probable compensation required by law for issuance of an Order for Possession; and
5. Authorize the City Manager to execute all necessary documents.

**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 10. Director of Public Works/City Engineer Hemsley presented the Agenda Report. City Manager Casey presented additional information pertaining to the project.

Bill Lehman, representing Eric and June Dimaio, stated the Dimaio's objections to the Resolution of Necessity.

June Dimaio, property owner, stated her opposition to the Resolution of Necessity and to the negative effect it will have on her property.

Mayor Riddell closed the Public Hearing.

After Council discussion, the following Motion was made:

**ACTION: MOTION BY MAYOR PRO TEM DRUSYS, SECOND BY MAYOR RIDDELL, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

12. **SUBJECT: MORATORIUM ON CONVERSION OF SENIOR ONLY MOBILEHOME PARKS.**

**RECOMMENDATION:** That City Council conduct a study session regarding the conversion of senior designated mobilehome parks to family parks and provide direction to staff, as appropriate.

**DISCUSSION:** Director of General Services/City Clerk Shankland presented the Agenda Report.

Len Tyler, Yucaipa, Chairman of YMRA, stated that this issue was proposed by YMRA because they want to "remove another hammer" from the Park Owners and requested that Council extend the moratorium for another six months.

After Council discussion, staff was directed to continue to investigate the conversion permit approach to include looking into preventing costs relating to conversions being passed on to residents living in the parks as well as incorporating both penalties and incentives for owners to maintain mobilehome parks as senior only.

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11. **SUBJECT: ADOPT INTERIM URGENCY ORDINANCE EXTENDING THE MORATORIUM ON CONVERSIONS OF SENIOR ONLY MOBILEHOME PARKS.**

**RECOMMENDATION:** That City Council conduct a public hearing and subsequently approve, by title only, as read by staff, and adopt Interim Urgency Ordinance No. 287-U, extending for six months the moratorium on the conversion of any mobilehome park currently existing in the City from a park occupied primarily or exclusively by residents over the age of 55 years (senior residents) to a mobilehome park allowing residents of all ages (4/5<sup>th</sup> vote required).

**DISCUSSION:** Mayor Riddell opened the Public Hearing Item No. 11. Director of General Services/City Clerk Shankland presented the Agenda Report.

Len Tyler, Yucaipa, Chairman of YMRA, requested that Council extend the moratorium.

Mayor Riddell closed the Public Hearing.

**ACTION: MOTION BY MAYOR RIDDELL, SECOND BY MAYOR PRO TEM DRUSYS, CARRIED 5-0, TO APPROVE STAFF RECOMMENDATION.**

**STUDY SESSIONS**

13. **SUBJECT: SHORT-TERM, MID-TERM, AND LONG-TERM GOALS/ACTION ITEMS.**

**RECOMMENDATION:** That City Council conduct a study session concerning possible short-term, mid-term, and long-term goals/action items.

**DISCUSSION:** City Manager Casey presented the Agenda Report.

After Council discussion, additional items were added to the proposed list to be reviewed. Prioritization of the goals and objectives will be brought back to Council at the regular meeting of February 9, 2009.

14. **SUBJECT: FISCAL YEAR 2008-2009 BUDGET REVIEW.**

**RECOMMENDATION:** That City Council conduct a study session to review the status of the Fiscal Year 2008-2009 Budget.

**DISCUSSION:** City Manager Casey presented the Agenda Report.

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After Council discussion, it was suggested that sufficient funds be set aside for economic uncertainties.

**ANNOUNCEMENTS**

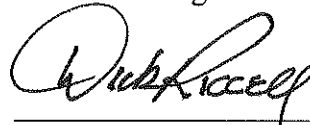
Interim City Attorney Estrada announced the Closed Session item.

**CLOSED SESSION**

Conference with Real Property Negotiator [Govt. Code §54956.8] Property: Portion of APN Nos. 301-201-10, 301-201-24, 318-071-10 - City Negotiator: Ray Casey, City Manager

**ADJOURNMENT**

The meeting adjourned. The next regularly scheduled meeting will be February 9, 2009 at 6:00 PM.

  
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DICK RIDDELL, MAYOR

ATTEST:

  
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JENNIFER SHANKLAND  
CITY CLERK